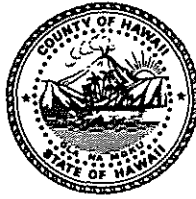


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL

PD Var.611

September 18, 1994
Revised May 24, 1995

Mr. Clyde Matsunaga
IMATA & ASSOCIATES INC.
171 Kapiolani Street
Hilo, HI 96720

Dear Mr. Matsunaga:

Variance Application WH(VAR 94-49)
Applicant: CLIFFORD & AMY KAMINAKA
Variance from Minimum REAR YARD SETBACK Requirements
Tax Map Key: 2-4-068:012, Lot 11

After reviewing your application and the information submitted in behalf of it, the Planning Director certifies the approval of your variance request to allow the installation of a carport with an 18'-0' plus/minus foot rear yard setback in lieu of the minimum 20 foot setback as required in Chapter 25 (Zoning Code), Article 4 (RS), Section 25-124 (Minimum Yards) (A) (2) (A) Section 25-124 (a) (1) (Minimum Yards).

The subject property is located in the Alokele Subdivision Unit 2, Waiakea, South Hilo on Alu Street, North of Ahe Street.
TMK: 2-4-068:012, Lot 11.

The Planning Director has concluded that the variance request from the minimum rear yard setback requirements should be approved, based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The subject property's address is 1620 Alu Street, Hilo, Hawaii 96720. The affected parcel is Lot 11, Alokele Subdivision, File Plan 1515, consisting of 10,000 square feet of land area.
2. The subject single family dwelling is located 37 feet from the front yard boundary according to the survey conducted by Imata & Associates, Inc., certification #4328.

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Considering the front yard setback of 20 feet there is insufficient space to build a standard 2 car garage, 24 feet wide, without infringing on the front yard setback.

3. The variance application was filed with the Planning Department on July 8, 1994.

Therefore, considering the foregoing facts, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

ALTERNATIVES

1. The proposed 2 foot encroachment is small in relationship to the minimum requirement of 20 feet. Reducing the size of the proposed garage would not accommodate the requirements for a two car garage.
2. Any architectural alterations or design changes or relocation of the entire structure of the dwelling to conform with the minimum setbacks would create undue and excessive hardships of the applicant when other more reasonable options are available.

Based on the above cited considerations, there are no reasonable available solutions without excessive demands placed on the application a more reasonable alternative is available by the granting of this variance application.

INTENT AND PURPOSE

1. The intent and purpose of requiring buildings setbacks within a subdivision is to assure that adequate air and light circulation is available between structures and property lines. The petitioners proposed garage to the rear of the existing single family residence would still provide an 18 foot clear space to the rear of the property.

Therefore, although only an 18'-0' plus/minus foot rear yard setback is being provided against the rear property line, the encroachment is so minor and is not so visually perceptible that it will diminish the ability for adequate light, air and open space between the existing dwelling and the rear property line.

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Therefore, while the Zoning Code requires a minimum 20 foot rear yard setback, in this particular case, the encroachment is so minor that it will not visually or physically impact or be adverse to any adjacent properties or development with the granting of this variance. The rest of the existing dwelling complies with the minimum yard setbacks requirements of the Zoning Code.

There were no obligations from any of the participating government agencies. There was no objections from any surrounding property owner to the proposed variance request.

This variance request is approved, subject to the following conditions:

1. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval; and,
2. The proposed building addition and rear yard clear space setback requirement(s) shown on detailed instruction plans shall be determined by the Planning Department under Plan Approval of the Zoning Code and subject to all other applicable State and County regulations pertaining to occupancy and building construction.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

NO:mjh:WRY:dmo
6393D

xc: Mr. & Mrs. Clifford Kaminaka